

REMARKS

Claims 1 and 3-13 are pending. Claim 1 has been amended to include the limitation of previous claim 2, and claim 4 has been rewritten in independent form. As such, these amendments do not create new issues and entry at this stage of the prosecution is appropriate.

Claims 1-3, 9, 10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Krape et al. (WO 99/00131). Applicants again respectfully traverse this rejection and request reconsideration of the remarks included with the communication filed June 2, 2004.

Applicants emphasize that, contrary to the present claim 1, the formulations of Krape et al.'s examples 5 and 6 are not substantially free of volatile organic solvents. In fact, the preparations obtained in accordance with examples 5 and 6 contain 4% by weight methanol and 14% by weight ethanol, respectively. Whether or not examples 5 and 6 refer to example 2 does not change this fact. Krape et al. nowhere discloses a preparation which is free of volatile organic solvent and which comprises a completely synthetic polymer having a glass transition temperature $>90^{\circ}\text{C}$. Applicants do not argue that Krape et al.'s example 2 contains residual solvent, but rather that said example lacks a completely synthetic polymer having a glass transition temperature $>90^{\circ}\text{C}$. Therefore, Krape et al. does not anticipate the present claims.

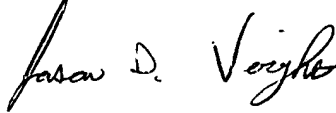
Claims 1 and 9-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miranda et al. (US 5,656,286). Applicants have amended claim 1 to include the

ROSENBERG et al., Ser. No. 10/019,049

limitation of previous claim 2, thereby overcoming this rejection. The drug delivery systems described in Miranda et al. do not contain paroxetine hydrochloride.

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Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Jason D. Voight". The signature is written in a cursive, flowing style.

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